

**NEW YORK STATE**

# Unified Court System



**Annual Report 2008**





STATE OF NEW YORK

# Report of the Chief Administrator of the Courts

FOR THE CALENDAR YEAR JANUARY 1, 2008 – DECEMBER 31, 2008

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ANN PFAU

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JAMES C. TORMEY	<i>Fifth Judicial District</i>
JUDITH F. O'SHEA	<i>Sixth Judicial District through July 22, 2008</i>
MICHAEL V. COCCOMA	<i>Sixth Judicial District from July 23, 2008</i>
THOMAS VAN STRYDONCK	<i>Seventh Judicial District</i>
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ANTHONY F. MARANO	<i>Tenth Judicial District, Nassau County</i>
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RICHARD E. SISE	<i>Presiding Judge, Court of Claims</i>
JACQUELINE W. SILBERMANN	<i>Administrative Judge for Matrimonial Matters</i>

## MESSAGE FROM THE CHIEF ADMINISTRATIVE JUDGE



**T**HIS HAS BEEN A YEAR OF TREMENDOUS CHALLENGES FOR THE STATE JUDICIARY as we contend with one of the most severe economic downturns in recent history. At the same time, the court system has experienced a statewide spike in foreclosures, evictions, consumer debt cases and other matters spurred by the crisis, adding to our already swollen dockets.

In response to the state's budget woes, we implemented a series of measures—including a hiring freeze on administrative positions and vacancy controls for operational jobs—at a savings of approximately \$40 million. Additionally, we have been carefully monitoring caseload trends, and where necessary shifting existing court resources to fulfill our constitutional obligations and better meet New Yorkers' justice needs during these tough fiscal times.

For instance, to address the exponential rise in foreclosure filings around the state we launched the Residential Foreclosure Program in July 2008 in Queens County, where foreclosure cases have increased by over 200 percent since January 2005. Via the new program, distressed homeowners are notified about the availability of legal service providers and mortgage counselors who can help them avoid foreclosure and also given the opportunity to attend an early court conference to explore settlement options.

This new initiative took on particular significance in August with the passing of legislation that calls for mandatory early court settlement conferences at the borrower's request for foreclosure cases filed before Sept. 1, 2008. (For cases filed after Sept. 1, there is a 90-day period during which the parties must try to resolve the case before the lender may sue, while early settlement conferences must be held within 60 days for cases filed on or after December 1, 2008.) Using the Queens model as a blueprint, we immediately rolled out a comprehensive plan to address those cases affected by the new legislation.

I invite you to learn more about the New York State court system's efforts to assist distressed homeowners—and our progress over the past year on many other important initiatives—in this 2008 edition of the Annual Report of the Chief Administrator of the Courts, where you will also find an overview of our court structure and caseload activity as well as legislative updates and a summary of 2008-2009 fiscal year expenditures and revenues.

Sincerely,

A handwritten signature in black ink that reads "Ann PfaU". The signature is written in a cursive, flowing style.

**ANN PFAU**

*The 2008 edition of the Annual Report of the Chief Administrator of the Courts has been submitted to the Governor and Legislature in accordance with Section 212 of the Judiciary Law.*

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## THE YEAR IN REVIEW: A SUMMARY OF 2008 HIGHLIGHTS

**WITH THE GLOBAL ECONOMIC DOWNTURN STILL DOMINATING THE NEWS** upon the release of this report, New York State court officials spent much of 2008 seeking strategies to further streamline court operations and optimize existing resources. We know that New Yorkers from all economic strata and every walk of life are being adversely affected by the downturn, with courts across the state experiencing a dramatic rise over the past year in foreclosure, eviction, consumer debt and other filings spurred by the crisis.

Like other state judiciaries throughout the country, New York's Unified Court System (UCS) faced the twofold dilemma of having to implement belt-tightening measures and manage growing caseloads. While initiating job vacancy controls and other measures that trimmed our costs this year by \$40 million, we also worked to ensure that our budget incorporates those resources essential in carrying out our constitutional mandate: administering justice efficiently and effectively in every case and providing equal access to our courts to all New Yorkers.

Shifting some of our resources in order to better meet the legal needs of our citizens in these very difficult times, we launched a pilot program in July to address the exponential rise in foreclosures and are examining the development of similar "targeted" programs to respond to other areas of rising need. In addition, we have stepped up our court-sponsored pro bono initiatives and broadened our public education efforts in our ongoing pursuit to enhance both the accessibility and navigability of the New York State courts. We begin this 2008 Year in Review with highlights of several of these very timely initiatives.

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### **NEW PROGRAM ASSISTS HOMEOWNERS ON THE VERGE OF FORECLOSURE**

**WITH FORECLOSURE FILINGS IN NEW YORK AT RECORD LEVELS**, the UCS in June announced its Residential Foreclosure Program, one of the first such court-initiated programs in the country. Many homeowners facing foreclosure have little or no knowledge of available options and resources, with this new initiative bringing together both struggling homeowners (of owner-occupied one- to four-family residences) with sub-prime mortgages and mortgage lenders to inform them of alternatives to costly, time-consuming litigation.

Under this new program—which debuted in Queens County—when a foreclosure is commenced homeowners will receive a special court notice containing information about legal service providers and mortgage counselors who can assist them in averting unnecessary foreclosures and reaching out-of-court resolutions. The parties will also be given the opportunity to attend an early court conference to explore settlement possibilities. Even if a settlement cannot be reached, the conference can facilitate the lender and borrower in establishing a case management plan to streamline subsequent proceedings, promote active case management and avoid unnecessary delays.

For more details on the program view our online publication, *Residential Mortgage Foreclosures:*

*Early Court Intervention*, at: [www.nycourts.gov/whatsnew/pdf/ResidentialForeclosure6-o8.pdf](http://www.nycourts.gov/whatsnew/pdf/ResidentialForeclosure6-o8.pdf).

Shortly after the court system launched the Residential Mortgage Foreclosure pilot, new legislation was passed mandating court settlement conferences at the borrower's request in foreclosure cases filed before Sept. 1, 2008; for cases filed after Sept. 1, the parties have a 90-day period during which they must try to resolve the case before the lender may sue, while the court must hold a settlement conference within 60 days for cases filed on or after Dec. 1.

Using the Queens model as our blueprint, we were able to quickly roll out a comprehensive plan to implement the new legislation, and with the cooperation of lenders' law firms created a database to automatically generate written notices advising eligible New York homeowners of their right to request a court settlement conference. Approximately 25,000 such notices were mailed as of the end of 2008. Additionally, the New York State courts developed a home page for attorneys:

[www.nycourts.gov/attorneys/foreclosures.shtml](http://www.nycourts.gov/attorneys/foreclosures.shtml), with relevant forms and other information.

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## **NEW AND ONGOING INITIATIVES BROADEN ACCESS TO JUSTICE SYSTEM**

### **COURT SYSTEM EXPANDS BOTH ONLINE AND ON-SITE PUBLIC RESOURCES**

The number of self-represented litigants continued to grow this year, with the court system expanding its use of technology and the Internet to facilitate access to the courts and make more court-related information available to the public. In 2008 we added new features to our CourtHelp site ([www.nycourthelp.gov](http://www.nycourthelp.gov)), launched several years ago to assist litigants without lawyers. Among the additions to the site are interactive modules, developed by the court system in partnership with Legal Services of Western New York and other members of New York's legal service community. The user-friendly software, designed for self-represented litigants in civil matters, will be available in early 2009.

For the past several years we have operated Offices for the Self-Represented in courthouses in New York City and other parts of the state that provide a wide range of information and services to the public. Currently, such offices are located in each Supreme Court building in New York City, in Richmond County Surrogate's Court and in public access libraries in some of our largest counties, with a resource center serving self-represented litigants in Family, Surrogate's, Supreme and County Courts opening this year in Erie County. Here, specially trained staffers are available during business hours to respond to questions on court procedure and court-related programs and services, also providing visitors with informational handouts and appropriate court forms.

### **ACTION COMMITTEES STEP UP ATTORNEY VOLUNTEER EFFORTS ON BEHALF OF STRUGGLING NEW YORKERS**

With bankruptcy, eviction and other case filings on the rise, the need for adequate legal services for those of modest means has never been more critical. While funding for civil legal assistance programs continues to shrink even as demand for these services grows, the court system worked to further boost attorney volunteer efforts on behalf of indigent and low-income New Yorkers. Throughout 2008 the courts continued to forge creative partnerships among judges, practicing attorneys and law school faculty, broadening the efforts of its statewide network of pro bono action committees, dubbed "ProBono NY." For instance, the action committee in our Fifth Judicial District initiated a pro bono bankruptcy project, also continuing work on the development of its legal assistance clinic for low-income patients of Crouse and University Hospitals in Syracuse, New York, which offers free services that include the preparation of healthcare proxies and living wills.

Some attorneys interested in volunteering their services may lack expertise in those legal specialties where the need is greatest, with the courts' network of pro bono action committees continuing this year to sponsor training programs in legal areas where there is a critical demand. Lawyers participating in these programs earn credit toward their state-mandated continuing legal education (CLE) requirements in exchange for taking on pro bono commitments.

In 2008 the Eighth Judicial District's action committee started a four-credit CLE program on matrimonial litigation, offered free to lawyers willing to accept at least one pro bono assignment within a year of completing the program. The committee also implemented its Large Firm Matrimonial Initiative in Erie County, which provides free, in-house CLE programs to attorneys at larger firms who agree to accept pro bono matrimonial referrals. The courts' Ninth Judicial District action committee sponsored CLE-accredited programs for pro bono projects in Dutchess, Orange and Westchester counties. Since its inception, the Ninth Judicial District's committee has recruited some 300 volunteer attorneys and secured commitments from 31 law firms, with volunteer attorneys representing clients in family, bankruptcy, foreclosure and other matters. Also this year, Nassau County launched a pro bono action committee, which has already begun recruitment and other efforts.

### **STATEWIDE PROGRAM ACCOMMODATES NON-ENGLISH SPEAKERS AND THE HEARING IMPAIRED**

While federal courts and many state judiciaries provide interpreters mainly to non-English speaking and hearing-impaired criminal defendants, the New York State court system also offers these services to litigants, witnesses and crime victims who have language or hearing barriers. In 2006 the court system embarked on a plan to ensure that qualified interpreters are available in the myriad languages and numerous court locations required statewide, since stepping up its recruitment, training and testing methods for court interpreters and developing an online roster of qualified interpreters that courts statewide may access to secure interpreting services in a convenient, timely manner.

As of December 2008 the courts' online roster lists the names of 1,000-plus interpreters along with their respective qualifications, availability and willingness to travel to particular counties. This electronic system also captures information about interpreter usage, generating reports to help identify foreign language needs and trends in courts across the state. In addition, the court system provides telephone and Web-based remote interpreting services for suitable cases when on-site interpretation is not available, with requests for remote interpreting services increasing steadily since their introduction in May 2005 and this technology employed for 184 court appearances in calendar year 2008.

### **ACTION PLAN TO IMPROVE JUSTICE COURTS CONTINUES TO BE IMPLEMENTED**

New York's 1,200-plus Justice Courts serve towns and villages in the 57 counties outside New York City, handling a wide range of civil matters, also trying misdemeanors, minor offenses and violations, conducting felony arraignments and collecting some \$210 million annually in statutory fines, fees and surcharges. While constitutionally part of the Unified Court System, these courts are supported primarily through local funding. In recent years it became apparent that some localities lacked the financial and other resources to adequately support their Justice Courts, with the Office of Court Administration (OCA) devising an action plan in 2006 that focused on streamlining Justice Court operations, enhancing courthouse technology, facilities and security, and stepping up training for Justice Court judges—most of whom are non-lawyers—and staff to ensure that New York's Justice Courts are fully prepared to meet their myriad responsibilities. The plan was devised to provide Justice Courts with immediate assistance and resources within the existing legal and structural framework.

In September the Unified Court System issued a two-year update, reporting on key accomplishments of the action plan such as the appointment of supervising judges to oversee Justice Court operations; state assumption of responsibility for automation of New York's Justice Courts; and increased state aid for im-

proving court facilities and security. Since the plan's announcement, new computers, printers, digital recording and other automation equipment have been installed in Justice Courts across the state; a 24/7 help desk serving Justice Court judges and staff has been established; all Justice Court judges and staff have been incorporated into the Unified Court System's e-mail system; new and improved training programs have been developed for Justice Court judges and clerks as well as local probation staff; free online access to legal databases has been made available to Justice Court judges; and numerous enhancements have been made to Justice Court facilities including the construction of judges' benches, jury boxes and clerks' counters.

The Unified Court System allocated \$3.5 million in funding for the purchase of Justice Courts' automation equipment, with furniture, security equipment and courthouse renovations paid for through the Justice Court Assistance Program (JCAP), which since 1999 has provided small grants to New York's Justice Courts. The OCA requested, and the Legislature approved, \$5 million in JCAP funding for fiscal year 2008-2009, with the cap raised—at OCA's request—from \$20,000 to \$30,000 per locality per year. The two-year update is available online at: [www.nycourts.gov/whatsnew/pdf/JusticeCourts2yearUpdateg-o8.pdf](http://www.nycourts.gov/whatsnew/pdf/JusticeCourts2yearUpdateg-o8.pdf).

Along with creation of the action plan, a blue-ribbon panel was appointed by the Chief Judge to conduct a detailed study of the state's Justice Courts and devise proposals for reform. The panel issued its findings this fall, with a summary of the group's proposals appearing on page 13 of this report.

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## **COURT SYSTEM CONTINUES TO SEEK WAYS TO BETTER SERVE AT-RISK FAMILIES**

**FAMILY COURTS ACROSS NEW YORK AND THE NATION ARE EXPERIENCING INCREASES IN CHILD NEGLECT** and abuse cases as economic stress pushes many already fragile families over the edge. Additionally, a new law enacted in July that among other measures gives unrelated persons in a dating or intimate relationship the right to obtain civil protective orders in Family Court has resulted in over 2,800 such filings statewide this year. The court system continued in 2008 to test new case-management practices and other reforms intended to reduce delays and improve outcomes for New York's children and families, with some of these efforts outlined in this section of our Year in Review.

### **PROGRAM AIMS TO IMPROVE CHILD WELFARE CASE OUTCOMES**

The Child Welfare Court Improvement Project (CIP) is a federally funded initiative that supports the Family Court's mandate to promote the safety and well-being of abused and neglected children. CIP initiatives in 2008 included development of an assessment program to monitor timeliness of child welfare case management practices, implementation of a child welfare training program for judges and creation of a plan to expand "model court" best practices to counties outside New York City with large foster care populations.

Throughout the year CIP staff joined employees of the state Office of Children and Family Services and local child welfare agencies to participate in adoption panel reviews across the state. Reviews are held twice yearly in every county of the state to examine the permanency status of all children freed for adoption. Via this review process, participants identify system gaps and barriers preventing freed children from achieving permanency in a timely manner, seeking ways to overcome these obstacles. To learn more about the CIP, visit [www.nycourts.gov/ip/cwqip/index.shtml](http://www.nycourts.gov/ip/cwqip/index.shtml).

### **STATEWIDE COMMISSION ADDRESSES NEEDS OF TEENS IN FOSTER CARE**

The Permanent Judicial Commission on Justice for Children was established in 1988 to improve the lives

and life chances of children involved with the New York State court system. The commission has since expanded its focus to include older children involved with the courts, examining juvenile probation, adolescents' participation in their permanency proceedings and other issues. While the idea of giving children a voice in their permanency hearings was once discouraged and even considered potentially damaging, it is now widely recognized as a vital part of the process, providing youngsters a sense of control over their lives and assuring better fact-finding, among other benefits. Today the law requires judges to consult with children in an age-appropriate manner at all permanency hearings.

In 2008 the commission collaborated with the CIP, the New York State Office of Children and Family Services and Youth in Progress, creating a DVD incorporating the stories and images of youngsters currently or previously in foster care in New York to underscore the importance of engaging youth in their permanency hearings. The commission also worked with the CIP and the New York State Judicial Institute (see page 11) to produce a "Tools for Engaging Children and Youth in Their Court Proceedings" training session for Family Court judges. Presented this summer at the Judicial Institute, the session included information on the latest research in this area, also outlining relevant federal and New York State legislation. In addition, the commission created a companion handbook, "Tools for Engaging Children in Their Court Proceedings," that along with other information includes age-appropriate questions judges might ask children to encourage their participation and make the court experience more comfortable and productive for all participants.

With a grant from the Heckscher Foundation for Children, the commission collaborated with Queens County Family Court administrators and the Center for Court Innovation Youth Justice Board—a group of New York City teens who study and devise policy recommendations on youth-related issues—to create a supervised waiting area for youngsters called "Teen Space" that opened in Queens County Family Court in December 2008. A comfortable area where youngsters can wait prior to and following their court hearings, Teen Space offers youngsters access to a wide array of resources, from guidance on higher education and careers to information that aims to enhance teens' understanding of the court process and encourage their participation in permanency hearings. Similar waiting areas are being planned for Family Court in Dutchess and Erie counties.

For more information about the commission's work, visit:

[www.nycourts.gov/ip/justiceforchildren/index.shtml](http://www.nycourts.gov/ip/justiceforchildren/index.shtml).

### **ON-SITE CENTERS LINK AT-RISK FAMILIES TO CRITICAL SERVICES**

The court system oversees a network of on-site children's centers where youngsters can stay while their parents are in court. Started by the Permanent Judicial Commission on Justice for Children (see above) and run by local service providers, the centers promote literacy through storytelling and other activities while also linking youngsters and their families to health, education and other critical services. Centers in the Eighth and Nine Judicial Districts as well as Nassau, Ulster and Sullivan counties participated in the federal government's Reading is Fundamental program, distributing hundreds of free books to child visitors this year.

During the holiday season, many of the centers accepted toy and clothing donations, with some sponsoring "Adopt a Family" programs giving court personnel the opportunity to fulfill a wish list for a particular family in need. Children's centers served over 57,000 children statewide in 2008, with two new centers opening this year in Chautauqua and Yates counties. For more information about the courts' children's centers, visit: [www.nycourts.gov/ip/childrenscenter](http://www.nycourts.gov/ip/childrenscenter).

### **ASSISTANCE PROGRAM SUPPORTS EFFORTS OF VOLUNTEER CHILD ADVOCATES**

Court-Appointed Special Advocates (CASA's) are trained volunteers who provide the Family Court with independent child advocacy in child abuse and neglect cases, meeting with the child, family members, service providers and others to gather important information about the youngster's health, safety and well-being. The court system's Court-Appointed Special Advocates Assistance Program offers fiscal, technical and other support to local CASA programs statewide.

In 2008 the assistance program conducted training sessions for local CASA programs on child welfare laws and procedures, alcohol-related fetal disorders, teen substance abuse and other relevant topics. Directors and staff of local CASA programs around the state also participated in mediation and special event planning seminars presented by the courts' assistance program. In addition, the assistance program convened a statewide data advisory committee to explore creation of a Web-based data collection system to track measurable outcomes. Visit the courts' CASA Assistance Program online at:

[www.nycourts.gov/ip/casa/index.shtml](http://www.nycourts.gov/ip/casa/index.shtml).

### **PARENT EDUCATION PROGRAMS SEEK TO REDUCE TRAUMA OF DIVORCE**

The court system continued its efforts to streamline the matrimonial litigation process and improve outcomes for divorcing couples and their children, expanding parent education programs and other initiatives designed to reduce the trauma for families going through the throes of a divorce.

The New York State Parent Education and Awareness Program certifies providers that offer child-focused education to parents to help them understand the effects of their break-up on their children and teach them how they can make their new family life easier. Judges may either order or refer parents to attend such a program or parents can participate voluntarily. As of December, 50 parent education providers with a presence in all 62 counties of New York have been certified by the Parent Education and Awareness Program. Extensive outreach efforts were made throughout the year to promote awareness and use of this resource by both the courts and parents. Approximately 7,000 parents attended court-certified parent education programs statewide in 2008. For more information, visit: [www.nycourts.gov/ip/parent-ed](http://www.nycourts.gov/ip/parent-ed).

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### **STATEWIDE NETWORK OFFERS ALTERNATIVES TO LITIGATION FOR A RANGE OF DISPUTES**

The court system's statewide Office of Alternative Dispute Resolution (ADR) programs oversees a network of not-for-profit community dispute resolution centers providing mediation, arbitration and other ways of resolving conflicts without the need for a formal court hearing or trial. ADR services are offered in all 62 counties of the state on a range of matters, from small claims to custody disputes. In 2008 the centers served over 98,300, with a settlement rate exceeding 75 percent. (The average time from intake to final disposition for single-hearing mediation and arbitration was 15.7 days; average time from intake to final disposition for complex cases requiring more than one session was 79 days.) The centers continued to serve thousands of seniors and their families in 2008, with the courts' ADR office developing a comprehensive training manual on elder adult dialogue and mediation and conducting training sessions on elder adult mediation for center staffers and volunteers in Orange, Otsego and Suffolk counties.

Also this year, the ADR office partnered with a Bronx middle school to help teachers resolve disputes arising in the classroom—providing a conflict education curriculum that was successfully implemented this fall—and embarked on a study with Stanford University to evaluate the effect of mediators' ethnicity and

other cultural characteristics on parties' agreement rates and levels of satisfaction with the mediation process. Study findings, which are expected to be available in 2009, will likely lead to modifications in mediation screening and other procedures.

The ADR office continued to work closely with courts statewide in 2008, developing and refining matrimonial mediation and neutral evaluation programs tailored to local needs, also conducting training programs for divorce attorneys and other professionals in preparation for next year's opening of a court-based collaborative family law center in New York City. In collaborative family law, divorcing couples and their attorneys agree to work together to reach an out-of-court settlement. For more information about court-affiliated ADR programs, visit [www.nycourts.gov/ip/adr/index.shtml](http://www.nycourts.gov/ip/adr/index.shtml).

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## **ADVANCES IN TECHNOLOGY RESULT IN GREATER EFFICIENCY, OTHER BENEFITS**

### **ENHANCEMENTS TO AUTOMATED CASE-MANAGEMENT SYSTEMS FURTHER STREAMLINE OPERATIONS**

The court system continued to expand and refine its automated case processing system (Universal Case Management System) in 2008, with improvements made to small and commercial claims processing applications for courts in upstate New York. New features were also added to the Family Court's automated case processing system to enhance the fact-finding module for support cases and track statistics relating to judges' caseloads and child permanency hearings.

In addition, the court system collaborated with the New York City Administration for Children's Services on a data-sharing project linking the courts' Family Court case management system with the New York City agency's data system. The project aims to increase the reliability of the two systems, streamline the processing of child-protective petitions, and automate the submission and distribution of permanency-related reports and court orders. Also this year, the court system launched the Court of Appeals' automated case management system and began development of an automated case management system for the state's mental health courts.

### **COURTS' HIGH-SPEED NETWORK SUPPORTS CRITICAL FUNCTIONS**

The courts' high-speed network (CourtNet) supports a wide range of critical audio, video and Web functions. Utilizing CourtNet, the court system expanded its distant learning technology this year, with quarterly training programs broadcast live to Justice Court judges and clerks in courthouses in 57 counties outside New York City at substantial savings in travel and other costs. (See page 3 for more on Justice Courts.)

CourtNet was used again this year to conduct video conferences between courthouses and jails, with 15,738 video appearances conducted in 2008 between New York City Supreme Court – Criminal Term and Rikers Island, an increase of 8 percent over last year. The Unified Court System also continued work on its multiple-year initiative to install Wi-Fi services in jury waiting rooms, courthouse libraries and other public areas. Wi-Fi services are now available to the public in all New York City courthouses and in approximately 50 percent of courthouses located outside the five boroughs.

### **ONLINE SYSTEM UPGRADES HELP PROMOTE SAFETY OF DOMESTIC VIOLENCE VICTIMS**

WebDVS is an Internet-based application used by the court system to submit orders of protection to the statewide registry, which then forwards the data to the New York State Police Information Network, a database providing real-time information services to criminal justice agencies at both the state and federal levels.

WebDVS is operational in all 62 counties of the state, with new features added to the system in 2008 that allow for the judge and defendant to electronically sign an order of protection using an external signature pad; give the district attorney's office the ability to initialize an order of protection for review by the court; and provide for the creation of reports showing all orders dismissed or sealed within a specified time period.

### **E-FILING PROGRAMS SAVE LITIGANTS, LAWYERS TIME AND TRAVEL**

Litigants (and attorneys upon the consent of their clients) in certain types of cases may file court documents electronically via the New York State Electronic Filing System (NYSCEF), a convenient, easy-to-use program. Refinements to and outreach efforts raising awareness about the court system's e-filing software have been ongoing.

Since the program's launching in 2000, over 130,000 cases have been filed electronically and 9,633 NYSCEF users registered. Starting this May, NYSCEF went live in Erie County Surrogate's Court, allowing complete e-filing of Surrogate's proceedings, with plans to expand the program to Surrogates' Courts in Chautauqua, Monroe, Queens and Suffolk counties by 2009.

### **ONLINE INITIATIVES EXPAND ACCESS TO PUBLIC RECORDS**

Consistent with the recommendations of the Commission on Public Access to Court Records—a blue-ribbon panel appointed by the Chief Judge in 2002—the court system continued to expand online access to case information via eCourts, which allows users to view case calendars, dispositions and decisions electronically. This year eTrack, a free case-tracking system introduced by the court system in July 2007, was expanded to include the local civil courts, with the number of eTrack subscribers growing from 2,500 to 13,000 and some 5,000 case updates emailed daily to subscribers.

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## **PROBLEM-SOLVING APPROACHES AIM TO STOP REVOLVING DOOR OF JUSTICE**

“Problem-solving” courts offer innovative solutions to addiction, domestic violence, child neglect and quality-of-life offenses in an effort to end the revolving door of justice and improve outcomes for victims, communities and defendants. Over the past decade the court system has implemented a range of problem-solving court models, including drug courts, domestic violence courts, community courts, mental health courts and sex offense courts. Characteristics of each model include specially trained judges and staff, dedicated dockets, intensive judicial monitoring, and coordination with outside services and agencies.

Fifty-three new problem-solving courts were developed over the past year, with New York's first integrated youth court opening in White Plains this fall. Targeting teens with cases pending in both Criminal Court and Family Court, the new youth court has a single presiding judge and access to an array of rehabilitative services aimed at promoting better outcomes for offenders and their families.

This year also marked the start of an initiative in our Fifth and Seventh Judicial Districts that provides the benefits of the integrated domestic violence (IDV) court model to more rural areas of the state by identifying multiple cases of a single family where domestic violence is involved and assigning these matters to a designated judge with special training in the dynamics of domestic violence and the objectives of the IDV court. In New York's IDV courts, a single judge hears all related criminal, family and matrimonial matters, resulting in more informed judicial decision-making, greater consistency in court orders and fewer court appearances for litigants. IDV courts served 2,862 new families statewide in 2008.

Also this year, 3,348 individuals across the state successfully completed drug court programs; addicted offenders who complete court-supervised treatment and comply with the drug court's other requirements earn dismissal of their charges or a reduced penalty. For more information about New York's problem-solving courts visit: [www.nycourts.gov/courts/problem\\_solving](http://www.nycourts.gov/courts/problem_solving).

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### ***COURT-COMMUNITY PARTNERSHIPS HELP MAKE NEIGHBORHOODS SAFER***

The Center for Court Innovation, the court system's independent research arm, tests new strategies designed to improve judicial responses to juvenile delinquency, quality-of-life crime and other problems, developing demonstration projects that rely on strong partnerships with local stakeholders.

Center highlights for 2008 include the launching of a youth court in Richmond County where teens are trained to serve as judges, jurors and advocates, hearing actual cases involving peers who have been arrested on delinquency or misdemeanor charges and crafting meaningful sanctions; creation of a network of mandated and voluntary alternatives-to-prostitution in Manhattan that served 250 people referred by the borough's Midtown Community Court; and a re-entry project launched by the Harlem Community Justice Center and New York City mayor's office that aims to improve parolees' chances of finding jobs. To learn more about the center's many projects and studies, visit: [www.courtinnovation.org](http://www.courtinnovation.org).

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### ***COMMERCIAL DIVISION SPECIALIZES IN COMPLEX LITIGATION***

Handling complex business matters, New York's Commercial Division of the Supreme Court features judges and staff with extensive experience in commercial litigation, also employing the latest case-management techniques and technology.

The division currently operates in Albany, Kings, Nassau, New York, Onondaga, Queens, Suffolk and Westchester counties and the Seventh and Eighth Judicial Districts, with its judges and staff convening at the Judicial Institute (see page 11) in June to participate in programs on securities litigation, shareholder derivative suits, corporate dissolution proceedings and other topics. Also this year, New York County's Commercial Division adopted new policies and protocols with regard to alternative dispute resolution and electronic filing, available online at [www.nycourts.gov/courts/comdiv/newyork.shtml](http://www.nycourts.gov/courts/comdiv/newyork.shtml).

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### ***ONGOING REFORMS MAKE JURY SERVICE MORE CONVENIENT***

In 2008 the courts' jury support office developed a best practices guide to further streamline juror qualification and other operations, also contributing to a newly published pamphlet titled "Implementing New York's Civil Voir Dire Law and Rules," available on the courts' juror Web site: [www.nyjuror.gov](http://www.nyjuror.gov).

To improve the process by which juror candidates are summoned, qualified and selected for Justice Court jury trials, an online application was developed to enhance communication between Justice Court clerks and the state's jury commissioners. Training in this new software is scheduled for 2009. Also this year, a new grand juror exit questionnaire was introduced and software developed to allow potential candidates for jury service to complete their juror qualification questionnaires online. The new software is expected to be installed next year.

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## **NEW AND ONGOING INITIATIVES PROMOTE DIVERSITY, GENDER FAIRNESS**

The New York State court system celebrates diversity and has a longstanding commitment to equal employment opportunity, the elimination of under-representation of minorities and women in the workforce, and the fair and equal treatment of minorities and women within the court system.

The New York State Judicial Commission on Minorities engages in ongoing dialogue with judges, court administrators, members of the bar and fraternal organizations statewide on issues relating to diversity in the court system workforce and fair and equal treatment of minorities in the courts. In 2008 the commission continued its focus on minority youth, hosting a conference in November that addressed the relationship between increased gang membership and growing incarceration rates among minority youngsters. Over 150 judges, attorneys, legislators, community activists and others from across the state attended the meeting, examining innovative strategies to reduce gang violence and reclaim youngsters' lives. The commission also established a mentor program that pairs judges with participants in the courts' LEO program (see page 11); and hosted a forum titled "How to Become a Family or Criminal Court Judge in New York State" as part of its ongoing efforts to promote diversity on New York's bench. Visit the commission online at:

[www.nycourts.gov/ip/minorities/index.shtml](http://www.nycourts.gov/ip/minorities/index.shtml).

Dedicated to achieving gender fairness in the court system and greater community, the New York State Judicial Committee on Women in the Courts addressed a range of gender-related issues in 2008, organizing a program for judges and court staff on New York's new anti-human trafficking statute; hosting a training session for matrimonial judges on the continuing wage gap between the genders; partnering with the Lawyers Committee Against Domestic Violence to present a continuing legal education program at Fordham Law School titled "Making A Case: Evidentiary Challenges in Domestic Violence Litigation"; updating the "Immigration and Domestic Violence: A Short Guide for New York State Judges" pamphlet; organizing an ad hoc group of court administrators and supervised visitation providers to explore ways to expand supervised visitation programs across the state; and providing assistance to the courts' statewide network of gender fairness committees on Domestic Violence Awareness Month and Women's History Month programs. Visit the committee online at: [www.nycourts.gov/ip/womeninthecourts/index.shtml](http://www.nycourts.gov/ip/womeninthecourts/index.shtml).

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## **STATEWIDE EFFORTS FOSTER PUBLIC AWARENESS OF COURT RESOURCES**

In 2008 public access TV programs aired segments about the benefits of the New York State Parent Education and Awareness Program (see page 6). In addition, information about the courts' parent education program, Judicial Voter Guide (see page 11) and other resources was made available to the public via the Web sites and e-newsletters of bar associations, government agencies and other appropriate entities through partnerships fostered by the courts' public affairs office. The office also coordinated Law Day and other events, and produced and disseminated educational materials, to help acquaint members of the public with court operations and procedures. To learn more about the courts' outreach efforts, visit:

[www.nycourts.gov/admin/publicaffairs/index.shtml](http://www.nycourts.gov/admin/publicaffairs/index.shtml). For a list of court system publications or to view/download specific materials, visit [www.nycourts.gov/publications](http://www.nycourts.gov/publications).

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### **RESOURCE CENTER PROMOTES INFORMED VOTER PARTICIPATION IN JUDICIAL ELECTIONS**

The courts' Judicial Campaign Ethics Center serves as a central resource on campaign ethics for judicial candidates, also keeping the public informed about judicial elections in New York State. In 2008 the center responded to over 200 ethics-related inquiries; conducted judicial campaign ethics training for some 200 judicial candidates; updated its Web site ([www.nycourts.gov/ip/jcec](http://www.nycourts.gov/ip/jcec)) to better address the needs of judicial candidates and the public; and posted its 2008 online Judicial Candidate Voter Guide, which contains biographical information on 80 candidates for state-paid elective judicial office and received over 16,000 visitors in the period leading up to Election Day 2008.

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### **STATEWIDE ENTITY PROVIDES OUTREACH, ASSISTANCE TO LEGAL PROFESSIONALS**

The Lawyer Assistance Trust was established in 2001 to bring statewide resources and awareness to the issue of alcohol and substance abuse among members of the legal profession as well as law students, providing financial assistance for treatment and prevention programs. The trust's mission was later expanded to include outreach efforts and funding for programs that address mental health issues.

The trust's advisory panel of judges met throughout 2008 to inform the trust's decisions regarding appropriate outreach to educate judges about the signs and symptoms of substance abuse and mental health problems in the lawyers who may appear before them, and to reach judges who may themselves be experiencing a problem and feel they have nowhere to turn. The trust's grant program awarded \$336,678 to nine bar associations in 2008 to support a variety of lawyer assistance programs and services.

Ongoing outreach efforts include a newsletter that is distributed by mail to 4,000-plus members of the legal profession and also available online; dissemination of a solo/small firm newsletter to some 40,000 attorneys; and development and distribution of a new brochure for law students outlining Lawyer Assistance Trust services. In October, the trust's executive director chaired the American Bar Association's Commission on Lawyer Assistance Program's annual national conference in Little Rock, Arkansas. Visit the trust online at [www.nylat.org/](http://www.nylat.org/).

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### **STATEWIDE INSTITUTE OFFERS FORUM FOR JUDICIAL SCHOLARSHIP**

A unique partnership of the New York State court system and Pace University School of Law, the Judicial Institute opened in Westchester County in May 2003, providing a forum for judicial scholarship that includes continuing education seminars and cooperative education programs with federal and other state judiciaries.

In 2008 the institute continued to support the implementation of the action plan for Justice Courts (see page 3), developing and expanding curricula for Justice Court judges and partnering with the Columbia University School of Law on development of the Town and Village Education Connection, an online learning initiative providing Web-based broadcasts to Justice Court judges that reached over 700 town and village justices per broadcast. The institute also continued its highly successful monthly Lunch and Learn broadcasts for judges statewide, while its New York Legal Education Opportunity (LEO) Summer Institute Program entered its second year. Modeled on an American Bar Association initiative, the LEO program guides mi-

nority, low-income and educationally disadvantaged college graduates toward success in law school, with 18 prospective law students completing this year's program.

In addition, the institute maintained its role in publishing the *Journal of Court Innovation*, which highlights innovative court practices around the country and is a collaboration of the institute, the Center for Court Innovation (see page 9) and Pace University School of Law. A vehicle by which judges, court administrators, scholars and others can share best practices and cutting-edge research, the journal seeks to bridge theory and practice. In December the institute sponsored the "Colloquium on the Future of Commercial Litigation in New York: Developing a Cost-Efficient Judicial Process for the Electronic Age." The meeting focused on e-discovery and alternative dispute resolution, with findings to be published in the Spring 2009 issue of the *Journal of Court Innovation*. Visit the Judicial Institute online at:

[www.nycourts.gov/ip/judicialinstitute/index.shtml](http://www.nycourts.gov/ip/judicialinstitute/index.shtml).

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### **PROGRAMS OFFER PROFESSIONAL, PERSONAL GROWTH TO NON-JUDICIAL EMPLOYEES**

The court system continued to provide quality training programs to members of its non-judicial workforce. While some of these programs offer essential skills targeted to specific job titles such as court clerk, court interpreter and court reporter, others are geared toward managerial personnel; computer training as well as other professional and personal development workshops are open to all non-judicial employees.

Additionally in 2008, 156 court officer trainees graduated from the New York State Court Officers Academy, which also provided in-service and weapons re-qualification training for the courts' 6,100 uniformed and non-uniformed officers.

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### **FELLOWSHIPS PROVIDE PUBLIC SERVICE OPPORTUNITIES TO LAW SCHOOL GRADUATES**

The court system's Legal Fellows program offers one-year fellowships to recent law school graduates with an interest in public service. Fellows are placed in judicial offices statewide, assisting with legal research, writing and other projects and also participating in forums with judges, elected officials and public policy-makers. The program continues to attract excellent candidates and welcomed 15 Legal Fellows in 2008.

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### **EDUCATIONAL, OTHER RESOURCES OFFER CRITICAL SUPPORT TO GUARDIANS, FIDUCIARIES**

The courts' Guardian and Fiduciary Services office is an educational resource for judges, attorneys, other professionals and lay people in the areas of guardianship under Article 81 of the Mental Hygiene Law and court fiduciary appointments under Part 36 of the Rules of the Chief Judge. The office provided training and other support to lay guardians in New York City's five boroughs, developing Web-based and print materials that include a Spanish edition of the lay guardian training manual. Elder abuse and court examiner training for guardianship under Article 81 also continued this year. To learn more about the courts' guardian and fiduciary services visit: [www.nycourts.gov/ip/gfs/index.shtml](http://www.nycourts.gov/ip/gfs/index.shtml).

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## **CONSTRUCTION, RENOVATION PROJECTS ADDRESS COURTS' EVOLVING NEEDS**

The court system extends technical and financial support to local governments statewide for the maintenance, renovation and construction of court facilities, which are both provided and operated by the cities and counties they serve. Among the major renovations and newly constructed facilities completed in 2008 were the Putnam County Court, which opened early in the year; Bronx County Hall of Justice, a 47-courtroom facility that serves as the new home for the Bronx County Supreme Court's criminal division; security upgrades and other renovations to the historic Chautauqua County Courthouse; and a three-story state-of-the-art court facility that stands adjacent to Lewis County's historic courthouse. Progress continued on several projects around the state, including the Newburgh City Court facility, scheduled to open in 2009; the City of Niagara Falls Public Safety Building, which is also slated for completion in 2009 and will house the city court and police department; and Family Court in Manhattan, which is undergoing a multi-phase renovation.

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## **ONGOING MEASURES HELP ENSURE COURTHOUSE SAFETY**

The court system remained vigilant in its efforts to promote the security of our state courthouses in this post-9/11 environment, overseeing emergency-planning and other protocols and working with its law-enforcement partners to help ensure the continuity of court operations in the event of a crisis. Additionally, the use of computer technology and state-of-the-art surveillance equipment was further expanded in 2008 as part of our ongoing effort to provide a safe, secure environment for court employees as well as the many individuals doing business in and visiting our state courthouse facilities.

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## **BLUE-RIBBON PANEL RELEASES LANDMARK REPORT ON STATE'S JUSTICE COURTS**

Established in 2006 to study and propose reforms to the state court system, the Special Commission on the Future of the New York State Courts released a comprehensive report in September 2008 based on an exhaustive study of New York's Justice Courts that included visits to numerous courts across the state and public hearings in Albany, Ithaca, Rochester and White Plains. New York's oldest tribunals, the Justice Courts continue to play a critical role in the state's justice system, handling over two million cases a year in the 57 counties outside New York City. The commission's report provides a detailed accounting of New York's Justice Courts, also offering concrete recommendations to further strengthen these courts and ensure that they are well equipped to fulfill their important role in 21st-century New York.

Among other proposals, the commission is calling for: establishment of a legislative process by which to consolidate the state's 1,250 Justice Courts in an effort to reduce redundancy and make Justice Court operations more efficient; enforcement of minimum standards for Justice Court facilities, resources and security; and enactment of a minimum age requirement of 25 and a minimum education requirement of a two-year degree from an accredited college for incoming Justice Court judges. On the day of the report's release, the Chief Judge issued a progress report on the court system's action plan for the Justice Courts, a comprehensive initiative announced in November 2006 to provide increased state support for the local Justice Courts (see page 3). The commission's landmark report on Justice Courts is available online at [www.nycourtreform.org/Justice Most Local Part1.pdf](http://www.nycourtreform.org/Justice_Most_Local_Part1.pdf).

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## **TASK FORCE ISSUES PHASE II STUDY AIMED AT REVITALIZING NY'S PROBATION SYSTEM**

In response to the significant decline in recent years in funding for local probation services, the Chief Judge appointed a task force in 2006 to create a model for revitalizing New York's probation system. Last year the task force released a comprehensive report with recommendations that included shifting budgetary and oversight functions of state probation services from the Executive Branch to the Judicial Branch. This year, with the assistance of an ad hoc committee of juvenile justice professionals, the group released a report based on its careful study of probation's role in Family Court.

Citing research that indicates low- and moderate-risk juvenile offenders who receive community-based services are more likely to be rehabilitated than those placed in detention facilities, the study calls for increasing the availability of probation supervision and community-based services for juveniles, providing training for juvenile justice professionals on adolescent-related issues, and employing education advocates and school-based probation officers in all probation departments, among other recommendations. The full report is available online at [www.nycourts.gov/whatsnew/pdf/ProbationReport11.08web.pdf](http://www.nycourts.gov/whatsnew/pdf/ProbationReport11.08web.pdf).

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## **ACTION PLAN MERGES ECOLOGICAL AND FISCAL RESPONSIBILITY**

In November the Unified Court System released *Green Justice*, a comprehensive environmental action plan which aims to reduce the size of the environmental imprint that the court system and its justice partners leave behind while also promoting the Judiciary's core mission of administering justice fairly and efficiently.

Initiatives outlined in the report include expansion of electronic filing of court papers; extended use of video technology for court hearings and preliminary conferences; implementation of mandatory electronic submission of biennial attorney registration and other forms filed with the Office of Court Administration; amendment of procurement policies to require review of their environmental impact; enforcement of court rules establishing environmental standards for energy and water conservation for court facilities; creation of a Web site to inform judges, non-judicial employees and the public about the courts' environmental initiatives; and development of a best green practices guide for court personnel.

Among the plan's initial goals is a 10 percent reduction in paper purchases by the court system by 2010, at a projected savings of \$1 million. To view the action plan online visit: [www.nycourts.gov/whatsnew/pdf/NYCcourts-GreenJustice11.2008.pdf](http://www.nycourts.gov/whatsnew/pdf/NYCcourts-GreenJustice11.2008.pdf).



*New York's highest court, the Court of Appeals hears civil and criminal appeals. The court also presides over appeals of decisions reached by the State Commission on Judicial Conduct and sets rules governing the admission of attorneys to the bar.*

**TABLE 1 CASELOAD ACTIVITY IN THE COURT OF APPEALS – 2008**

Applications Decided [CPL 460.20(3(b))]	2,637
Records on Appeal Filed	231
Oral Arguments (Includes Submissions)	170
Appeals Decided	225
Motions Decided	1,436
Judicial Conduct Determinations Reviewed	4

**DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS  
by Basis of Jurisdiction**

BASIS OF JURISDICTION	AFFIRMED	REVERSED	MODIFIED	DISMISSED	OTHER*	TOTAL
<b>All Cases:</b>						
Reversal, Modification, Dissent in Appellate Division	12	12	2	1	0	27
Permission of Court of Appeals or Judge thereof	59	32	19	0	0	110
Permission of Appellate Division or Justice thereof	33	21	4	1	0	59
Constitutional Question	6	2	0	0	0	8
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	0	0	1	0	20	21
<b>Total</b>	<b>110</b>	<b>67</b>	<b>26</b>	<b>2</b>	<b>20</b>	<b>225</b>
<b>Civil Cases:</b>						
Reversal, Modification, Dissent in Appellate Division	12	12	2	1	0	27
Permission of Court of Appeals or Judge thereof	33	30	9	0	0	72
Permission of Appellate Division or Justice thereof	22	19	2	1	0	44
Constitutional Question	6	2	0	0	0	8
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	0	0	1	0	20	21
<b>Total</b>	<b>73</b>	<b>63</b>	<b>14</b>	<b>2</b>	<b>20</b>	<b>172</b>
<b>Criminal Cases:</b>						
Permission of Court of Appeals or Judge thereof	26	2	10	0	0	38
Permission of Appellate Division or Justice thereof	11	2	2	0	0	15
Other	0	0	0	0	0	0
<b>Total</b>	<b>37</b>	<b>4</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>53</b>

\*Includes anomalies which did not result in an affirmance, reversal, modification or dismissal (e.g., judicial suspensions, acceptance of a case for review pursuant to Court Rule 500.27)

County Courts acting as appellate tribunals; establishing rules governing attorney conduct; conducting proceedings to admit, suspend or disbar attorneys. Presiding and Associate Justices of each division are selected from the Supreme Court by the Governor. Presiding Justices serve for the remainder of their term; Associate Justices are designated for five-year terms or the remainder of their unexpired terms of office, if less than five years. The Appellate Divisions' caseload activity is listed in **TABLE 2**.

**APPELLATE TERMS OF THE SUPREME COURT IN THE FIRST AND SECOND DEPARTMENTS** hear appeals from civil and criminal cases originating in New York City's Civil and Criminal Courts. In the Second Department, the Appellate Terms also hear appeals from civil and criminal cases originating in District, City,

**TABLE 2 CASELOAD ACTIVITY IN THE APPELLATE DIVISION – 2008**

	FIRST DEPT		SECOND DEPT		THIRD DEPT		FOURTH DEPT		TOTAL
	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	
<b>Records on Appeal Filed</b>	<b>1,648</b>	<b>825</b>	<b>3,220</b>	<b>879</b>	<b>1,432</b>	<b>380</b>	<b>887</b>	<b>672</b>	<b>9,943</b>
Disposed of before argument or submission (e.g., dismissed, withdrawn, settled)	173	128	6,254	6,449	48	0	1	0	13,053
Disposed of after argument or submission:									
Affirmed	988	820	1,896	823	996	329	583	770	7,205
Reversed	311	41	819	54	133	39	175	60	1,632
Modified	245	46	353	48	144	37	146	91	1,110
Dismissed	177	10	455	7	99	3	208	25	984
Other	90	11	88	157	10	0	18	1	375
<b>Total Dispositions</b>	<b>1,984</b>	<b>1,056</b>	<b>9,865</b>	<b>7,538</b>	<b>1,430</b>	<b>408</b>	<b>1,131</b>	<b>947</b>	<b>24,359</b>

	FIRST DEPT	SECOND DEPT	THIRD DEPT	FOURTH DEPT	TOTAL
Oral Arguments*	1,253	2,314	713	933	<b>5,213</b>
Motions Decided*	4,781	10,427	6,062	4,245	<b>25,515</b>
Admissions to the Bar	3,642	2,429	3,281	347	<b>9,699</b>
Atty. Disciplinary Proceedings Decided	741	140	64	221	<b>1,166</b>

\*Not broken down by civil or criminal

**TABLE 3 CASELOAD ACTIVITY IN THE APPELLATE TERMS – 2008**

	FIRST DEPT			SECOND DEPT			TOTAL
	Civil	Criminal	Total	Civil	Criminal	Total	
<b>Records on Appeal Filed</b>	<b>431</b>	<b>76</b>	<b>507</b>	<b>1,166</b>	<b>478</b>	<b>1,644</b>	<b>2,151</b>
Disposed of before argument or submission (e.g. dismissed, withdrawn, settled)	29	4	33	397	273	670	703
Disposed of after argument or submission:						-	
Affirmed	205	45	250	252	125	377	627
Reversed	101	10	111	181	60	241	352
Modified	22	2	24	53	15	68	92
Dismissed	21	-	21	22	14	36	57
Other	8	1	9	23	11	34	43
<b>Total Dispositions</b>	<b>386</b>	<b>62</b>	<b>448</b>	<b>928</b>	<b>498</b>	<b>1,426</b>	<b>1,874</b>
Oral Arguments*			308			334	642
Motions Decided*			1,509			3,432	4,941

\*Not broken down by civil or criminal

and town and village Justice Courts. Justices are selected by the Chief Administrator, upon approval of the Presiding Justice of the appropriate Appellate Division. The Appellate Terms' caseload activity is listed in **TABLE 3**.

## TRIAL COURTS

In 2008, **4,671,254** cases were filed statewide in the trial courts. Excluding parking tickets, filings totaled **4,507,863**—38 percent of which were criminal filings, 42 percent civil filings, 17 percent Family Court filings and 3 percent Surrogate's Court filings. As **TABLE 4** shows, total filings remained high at 4.6 million. Civil filings increased 20 percent, and criminal filings 11 percent, over the five-year period. **FIGURE A** shows the percentage of filings by case type.

**TABLE 4** *FILINGS IN THE TRIAL COURTS: FIVE-YEAR COMPARISON*

COURT	2004	2005	2006	2007	2008
<i>CRIMINAL</i>					
Supreme and County Courts Criminal	63,217 <sup>a</sup>	74,412 <sup>a</sup>	80,210 <sup>a</sup>	81,956 <sup>a</sup>	81,267 <sup>a</sup>
Criminal Court of the City of NY <sup>b</sup>	786,540	872,927	854,918	862,690	869,479
City & District Courts Outside NYC <sup>b</sup>	702,079	769,870	784,518	781,502	780,788
Parking Tickets	153,533	147,870	154,139	144,230	163,391
<b>Criminal Total</b>	<b>1,705,369</b>	<b>1,865,079</b>	<b>1,873,785</b>	<b>1,870,378</b>	<b>1,894,925</b>
<i>CIVIL</i>					
Supreme Court Civil <sup>c</sup>	415,132	402,318	408,756	414,132	440,157
Civil Court of the City of NY <sup>d</sup>	756,852	820,355	969,654	940,334	958,676
City & District Courts Outside NYC <sup>d</sup>	292,925	325,149	361,475	358,541	382,171
County Courts Civil <sup>e</sup>	30,333	30,812	27,532	26,491	34,369
Court of Claims	1,694	1,591	1,482	1,589	1,707
Small Claims Assessment Review Program <sup>e</sup>	85,324 <sup>e</sup>	51,527	78,057	73,103	77,257
<b>Civil Total</b>	<b>1,582,260</b>	<b>1,631,752</b>	<b>1,846,956</b>	<b>1,814,190</b>	<b>1,894,337</b>
<i>FAMILY</i>	695,842	665,970	727,130 <sup>f</sup>	709,293 <sup>f</sup>	739,662 <sup>f</sup>
<i>SURROGATE'S</i>	145,749	145,492	144,548	141,671	142,330
<b>Total</b>	<b>4,129,220</b>	<b>4,308,293</b>	<b>4,592,419</b>	<b>4,535,532</b>	<b>4,671,254</b>

<sup>a</sup>Includes felonies and misdemeanors, of which 28,233 were misdemeanor filings in 2008.

<sup>b</sup>NYC includes arrest and summons cases; outside NYC includes arrest cases and uniform traffic tickets.

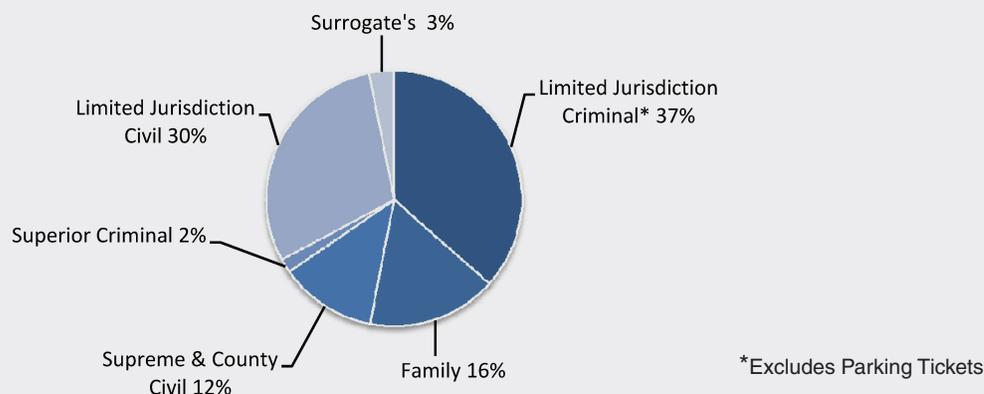
<sup>c</sup>Includes new cases, ex parte applications and uncontested matrimonial cases.

<sup>d</sup>Includes civil, housing, small claims and commercial claims.

<sup>e</sup>Includes new cases and ex parte applications.

<sup>f</sup>Includes Permanency Planning Hearings Held.

**FIGURE A** *TRIAL COURT FILINGS BY CASE TYPE – 2008*



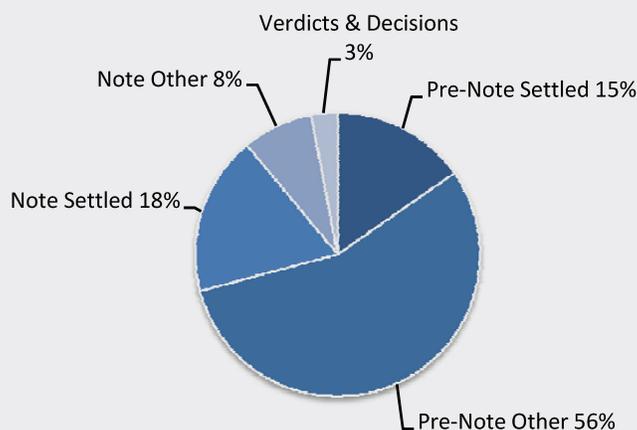
**THE SUPREME COURT** generally handles cases outside the authority of the lower courts such as civil matters beyond the monetary limits of the lower courts' jurisdiction; divorce, separation and annulment proceedings; equity suits, such as mortgage foreclosures and injunctions; and criminal prosecutions of felonies. **THE COMMERCIAL DIVISION**, which is devoted exclusively to complex business litigation, is part of the Supreme Court. Supreme Court justices are elected by judicial district to 14-year terms.

## CIVIL CASES

**DURING 2008** there were 440,157 civil filings in Supreme Court, including **182,743** new cases, **212,510** ex parte applications and 44,904 uncontested matrimonial cases. A total of **442,471** matters reached disposition. Three standard-and-goal periods measure the length of time from filing a civil action to disposition. The first or "pre-note" standard measures the time from filing a request for judicial intervention (RJI)—when parties first seek some form of judicial relief—to filing the trial note of issue, indicating readiness for trial. The second or "note" standard measures the time from filing the note of issue to disposition. The third standard covers the entire period from filing the RJI to disposition. The respective time frames are 8-15-23 months for expedited cases; 12-15-27 months for standard cases; and 15-15-30 months for complex cases. In matrimonial cases, the standards are 6-6-12 months; in tax certiorari cases, 48-15-63 months. **FIGURE B** shows the breakdown of cases by manner of disposition.

**FIGURE B**

### SUPREME CIVIL DISPOSITIONS BY TYPE OF DISPOSITION – 2008



**COUNTY COURTS**, located in each county outside New York City, handle criminal prosecutions of felonies and misdemeanors committed within the county, although in practice most minor offenses are handled by lower courts. County Courts also have limited jurisdiction over civil lawsuits, generally involving claims up to \$25,000. County Courts in the Third and Fourth Departments, while primarily trial courts, hear appeals from cases originating in the city, town and village courts. County Court judges are elected to 10-year terms. The statistical data for the County Courts' felony caseload are reported in combination with the felony caseload data for Supreme Court in **TABLE 5**.

**THE COURT OF CLAIMS** is a statewide court with exclusive authority over lawsuits involving monetary claims against the State of New York or certain other state-related entities such as the New York State

TABLE 5

## SUPREME CRIMINAL &amp; COUNTY COURT – FELONY CASES 2008

FILINGS				DISPOSITIONS						
Location	Total	Indictments	SCI's*	Total	Guilty Pleas	Convictions	Acquittals	Nonjury Verdicts	Dismissals	Other
<b>TOTAL STATE</b>	<b>53,034</b>	<b>34,225</b>	<b>18,809</b>	<b>54,317</b>	<b>47,337</b>	<b>1,233</b>	<b>466</b>	<b>425</b>	<b>3,898</b>	<b>958</b>
NYC	24,587	19,795	4,792	24,728	20,298	636	296	142	2,722	634
New York	7,611	6,825	786	7,682	6,152	260	93	44	995	138
Bronx	5,560	4,685	875	5,835	4,879	70	56	11	662	157
Kings	6,864	5,971	893	6,490	5,250	151	85	31	743	230
Queens	3,862	1,823	2039	4,015	3,407	149	58	56	248	97
Richmond	690	491	199	706	610	6	4	0	74	12
ONYC **	28,447	14,430	14,017	29,589	27,039	597	170	283	1,176	324
Albany	951	587	364	1,036	915	38	16	3	57	7
Allegany	116	35	81	157	151	0	0	0	5	1
Broome	755	413	342	742	672	13	7	6	42	2
Cattaraugus	254	135	119	227	216	2	2	0	5	2
Cayuga	240	139	101	203	192	6	0	1	3	1
Chautauqua	629	222	407	576	564	0	0	0	12	0
Chemung	384	338	46	418	356	12	0	28	14	8
Chenango	71	57	14	79	71	3	0	1	4	0
Clinton	212	72	140	257	234	9	3	1	6	4
Columbia	134	43	91	172	155	5	3	0	8	1
Cortland	124	69	55	135	124	11	0	0	0	0
Delaware	102	66	36	69	65	1	0	0	3	0
Dutchess	510	156	354	486	409	13	1	1	26	36
Erie	2,361	1,025	1336	2,576	2,229	42	13	103	156	33
Essex	99	64	35	103	93	1	0	1	7	1
Franklin	144	86	58	161	155	5	1	0	0	0
Fulton	136	60	76	140	134	2	1	0	2	1
Genesee	199	98	101	216	203	10	0	1	2	0
Greene	84	33	51	96	84	5	2	1	3	1
Hamilton	7	0	7	13	13	0	0	0	0	0
Herkimer	261	72	189	251	244	1	0	0	5	1
Jefferson	558	150	408	567	560	3	0	0	4	0
Lewis	154	35	119	139	130	2	3	0	4	0
Livingston	251	136	115	276	230	13	4	1	12	16
Madison	92	72	20	106	89	2	1	1	11	2
Monroe	2,361	1,118	1243	2,347	2,025	93	38	71	110	10
Montgomery	131	48	83	135	132	1	1	0	0	1
Nassau	2,730	1,047	1683	2,870	2,666	48	11	8	102	35
Niagara	434	257	177	449	407	9	4	3	25	1
Oneida	758	546	212	809	758	16	2	1	30	2
Onondaga	1,411	785	626	1,428	1,285	21	9	5	94	14
Ontario	408	132	276	431	403	25	0	1	1	1
Orange	941	702	239	970	895	20	2	6	29	18
Orleans	122	90	32	130	120	2	1	0	3	4
Oswego	272	118	154	235	218	11	1	0	2	3
Otsego	99	66	33	100	84	4	0	0	7	5
Putnam	137	43	94	146	141	1	0	0	3	1
Rensselaer	258	110	148	279	258	1	5	1	14	0
Rockland	676	459	217	700	655	1	5	1	34	4
St. Lawrence	192	66	126	347	339	3	1	0	1	3
Saratoga	569	300	269	527	484	17	4	1	14	7
Schenectady	202	21	181	58	56	2	0	0	0	0
Schoharie	56	18	38	63	61	0	0	2	0	0
Schuyler	95	64	31	112	100	5	0	0	7	0
Seneca	245	189	56	312	297	1	1	0	10	3
Steuben	313	135	178	344	323	3	5	3	7	3
Suffolk	3,608	2,228	1380	3,784	3,497	32	5	13	201	36
Sullivan	332	133	199	338	333	1	0	0	2	2
Tioga	142	110	32	132	119	2	0	3	8	0
Tompkins	221	142	79	211	192	6	1	2	8	2
Ulster	368	160	208	534	486	6	2	0	15	25
Warren	264	121	143	278	259	6	1	0	6	6
Washington	212	182	30	203	176	9	1	0	13	4
Wayne	246	185	61	258	231	4	4	6	6	7
Westchester	1,584	595	989	1,587	1,497	43	8	6	25	8
Wyoming	152	65	87	193	180	5	1	1	4	2
Yates	80	32	48	78	74	0	0	0	4	0

\*\* Outside New York City

\*Superior Court Information

Thruway Authority, the City University of New York and the New York State Power Authority (claims for the appropriation of real property only).

The court hears cases at nine locations around the state. Cases are heard without juries. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, to nine-year terms.

During 2008, **1,707** claims were filed and **1,462** cases decided.

**SURROGATES' COURTS**, located in every county of the state, hear cases involving the affairs of the deceased, including the validity of wills and the administration of estates. These courts are also authorized to handle adoptions. Surrogate's Court judges are elected to 10-year terms in each county outside New York City and to 14-year terms in all New York City counties. See **TABLE 6** for 2008 filings and dispositions by case type.

**FAMILY COURTS**, located in every county of the state, hear matters involving children and families, including adoption, guardianship, foster care approval and review, juvenile delinquency, family violence, child

**TABLE 6 SURROGATE'S COURT FILINGS & DISPOSITIONS: PROCEEDINGS BY CASE TYPE – 2008**

Case Type	TOTAL STATE		NYC		OUTSIDE NYC	
	Filings	Dispositions*	Filings	Dispositions*	Filings	Dispositions*
<b>Total</b>	<b>142,330</b>	<b>111,560</b>	<b>37,410</b>	<b>33,265</b>	<b>104,920</b>	<b>78,295</b>
Probate	43,882	44,875	12,954	12,129	30,928	32,746
Administration	13,739	14,300	6,108	5,583	7,631	8,717
Voluntary Admin.	18,710	18,710	6,012	6,012	12,698	12,698
Accounting	29,384	6,408	3,103	1,689	26,281	4,719
Inter <i>Vivos</i> Trust	646	601	35	42	611	559
Miscellaneous	13,030	11,763	4,807	5,239	8,223	6,524
Guardianship	19,947	10,839	4,127	2,310	15,820	8,529
Adoption	1,907	2,970	262	260	1,645	2,710
Estate Tax	1,085	1,094	2	1	1,083	1,093

\*Includes orders and decrees signed.

abuse and neglect, custody and visitation, and child support. Family Court judges in New York City are appointed to 10-year terms by the Mayor. Family Court judges serving outside New York City are elected to 10-year terms. See **TABLE 7** for a breakdown of Family Court filings and dispositions. This table also contains filings and dispositions for the state's Integrated Domestic Violence (IDV) Courts.

The performance standard for Family Court cases is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the court. During the year 92 percent of dispositions statewide were reached within the standard.

### **TRIAL COURTS OF LIMITED JURISDICTION WITHIN NEW YORK CITY**

**THE CIVIL COURT OF THE CITY OF NEW YORK** has jurisdiction over civil cases involving amounts up to \$25,000. It includes small claims and commercial claims parts for the informal resolution of matters involving amounts up to \$5,000, and a housing part for landlord-tenant proceedings. New York City Civil Court

TABLE 7

**FAMILY & SUPREME COURT FILINGS &  
DISPOSITIONS BY TYPE OF PETITION – 2008**

Type of Petition	TOTAL STATE		NYC		OUTSIDE NYC	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions
<b>Total</b>	<b>739,662</b>	<b>724,356</b>	<b>246,750</b>	<b>243,323</b>	<b>492,912</b>	<b>481,033</b>
Termination of Parental Rights	3,780	3,906	1,595	1,613	2,185	2,293
Surrender of Child	2,349	2,301	686	647	1,663	1,654
Child Protective (Neglect & Abuse)	43,110	41,247	13,018	12,474	30,092	28,773
Juvenile Delinquency	20,005	19,559	8,110	7,822	11,895	11,737
Designated Felony	560	412	223	125	337	287
Persons in Need of Supervision	7,785	7,999	1,647	1,614	6,138	6,385
Adoption	3,790	3,895	1,577	1,685	2,213	2,210
Adoption Certification	478	447	128	127	350	320
Guardianship	4,074	3,986	2,305	2,234	1,769	1,752
Custody/Visitation	190,075	185,178	49,085	47,660	140,990	137,518
Foster Care Review	53	56	4	7	49	49
Foster Care Placement	1,096	1,054	511	473	585	581
Family Offense	54,569	52,053	23,154	22,374	31,415	29,679
Paternity	39,653	40,190	19,844	20,819	19,809	19,371
Support	305,954	300,168	87,920	86,976	218,034	213,192
Uniform Interstate Family Support Act	12,585	12,176	6,397	6,135	6,188	6,041
Consent to Marry	7	6	1	1	6	5
Other	394	378	63	55	331	323
Permanency Planning Hearings Held	49,345	49,345	30,482	30,482	18,863	18,863

TABLE 8

**NEW YORK CITY CIVIL COURT: FILINGS & DISPOSITIONS BY CASE TYPE  
AND COUNTY – 2008**

**TOTAL FILINGS<sup>a</sup> – 958,676 / TOTAL DISPOSITIONS – 722,917**

	CIVIL ACTIONS		HOUSING		SMALL CLAIMS		COMMERCIAL CLAIMS	
	Filings <sup>b</sup>	Dispositions <sup>c</sup>	Filings <sup>b</sup>	Dispositions <sup>c</sup>	Filings	Dispositions	Filings	Dispositions
<b>New York City</b>	<b>618,512</b>	<b>407,229</b>	<b>303,407</b>	<b>273,565</b>	<b>27,961</b>	<b>32,287</b>	<b>8,796</b>	<b>9,836</b>
New York	83,024	50,102	76,488	53,777	5,668	7,018	2,327	2,699
Bronx	131,566	87,362	87,030	113,809	3,896	4,873	1,028	657
Kings	192,557	134,555	83,423	65,616	8,776	9,334	1,930	2,267
Queens	182,199	116,220	49,672	34,778	7,903	9,178	2,424	3,051
Richmond	29,166	18,990	6,794	5,585	1,718	1,884	1,087	1,162

<sup>a</sup>The large difference between the number of filings and dispositions is due to the number of cases filed but never pursued by the filing party.

<sup>b</sup>Includes both answered and unanswered cases.

<sup>c</sup>Includes courtroom dispositions and default judgments.

judges are elected to 10-year terms; housing judges are appointed by the Chief Administrator to five-year terms. **TABLE 8** shows the breakdown of filings and dispositions by case type and county.

**THE CRIMINAL COURT OF THE CITY OF NEW YORK** handles misdemeanors and violations. New York City Criminal Court judges also conduct felony arraignments and other preliminary (pre-indictment) felony proceedings. They are appointed by the Mayor to 10-year terms.

During 2008, 72 percent of the arrests were misdemeanors with 48 percent of all cases reaching dispo-

**TABLE 9** *NEW YORK CITY CRIMINAL COURT: FILINGS & DISPOSITIONS BY CASE TYPE AND COUNTY – 2008*

	ARREST CASES		SUMMONS CASES	
	Filings	Dispositions	Filings*	Dispositions
<b>New York City</b>	<b>357,480</b>	<b>361,109</b>	<b>511,999</b>	<b>382,002</b>
New York	102,971	103,460	123,088	86,801
Bronx	76,647	78,321	112,215	72,257
Kings	96,302	98,633	168,846	136,823
Queens	68,509	68,231	92,643	70,935
Richmond	13,051	12,464	15,207	15,186

\*Includes both answered and unanswered cases.

sition by plea. Another 33 percent were dismissed; 4 percent were sent to the grand jury; 15 percent were disposed of by other means; and 1 percent pled to a superior court information. **TABLE 9** shows filings and dispositions by county for both arrest cases and summons cases (cases in which an appearance ticket, returnable in court, is issued to the defendant).

### **TRIAL COURTS OF LIMITED JURISDICTION OUTSIDE NEW YORK CITY**

**CITY COURTS ARRAIGN FELONIES** and handle misdemeanors and lesser offenses as well as civil lawsuits involving claims up to \$15,000. Some City Courts have small claims parts for the informal disposition of matters involving claims up to \$5,000 and/or housing parts to handle landlord-tenant matters and housing violations. City Court judges are either elected or appointed, depending on the city, with full-time City Court judges serving 10-year terms and part-time City Court judges serving six-year terms. **DISTRICT COURTS**, located in Nassau County and the five western towns of Suffolk County, arraign felonies and handle misdemeanors and lesser offenses as well as civil lawsuits involving claims up to \$15,000. District Court judges are elected to six-year terms.

In 2008 there were a total of **1,326,350** filings and **1,254,323** dispositions in the City and District Courts. **FIGURE C** shows filings by case type; **TABLE 10** contains a breakdown of filings by location and case type.

**FIGURE C** *CITY & DISTRICT COURT FILINGS BY CASE TYPE – 2008*

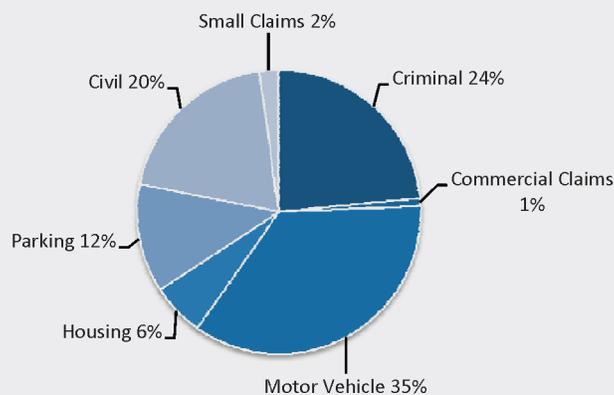


TABLE 10

## CITY AND DISTRICT COURTS: FILINGS BY CASE TYPE – 2008

Total Filings 1,326,350

Location	Criminal	MV	Parking	Civil	Small Claims	L&T	Commercial
TOTAL	311,382	469,406	163,391	260,814	29,706	79,882*	11,769
Albany	8,214	27,093	0	5,735	850	4,240	223
Amsterdam	883	2,238	0	1,372	180	279	33
Auburn	1,472	2,779	1,097	1,782	274	758	52
Batavia	1,109	1,812	104	672	118	126	56
Beacon	865	3,991	0	762	91	185	34
Binghamton	4,024	4,171	456	4,445	493	1,546	273
Buffalo	22,768	4,447	0	25,610	2,705	8,756	816
Canandaigua	823	3,661	17	1,785	94	127	41
Cohoes	1,511	2,630	8	718	76	397	13
Corning	718	1,917	79	1,092	145	125	37
Cortland	2,332	2,770	710	1,183	165	213	34
Dunkirk	1,095	902	71	854	142	78	51
Elmira	5,203	3,255	0	2,216	317	739	113
Fulton	1,065	2,719	33	1,601	121	203	23
Geneva	1,215	4,020	0	529	62	142	25
Glen Cove	1,535	5,455	3,263	17	63	228	24
Glens Falls	1,827	3,060	291	1,407	127	232	34
Gloversville	1,017	781	24	721	212	376	36
Hornell	707	1,320	0	514	114	184	7
Hudson	826	1,212	0	579	142	160	166
Ithaca	2,923	9,098	1,483	1,313	203	445	69
Jamestown	3,273	2,842	885	2,499	326	216	96
Johnstown	507	1,103	12	709	55	61	48
Kingston	2,328	6,246	80	2,058	305	806	126
Lackawanna	1,480	4,516	99	627	222	536	102
Little Falls	377	774	9	316	164	29	32
Lockport	1,724	6,076	0	2,821	303	195	54
Long Beach	2,858	4,938	17,752	10	129	295	28
Mechanicville	469	1,074	0	355	85	82	60
Middletown	2,603	7,697	407	2,160	292	739	147
Mount Vernon	6,035	12,799	0	3,466	401	2,722	111
New Rochelle	5,246	19,619	98,000	3,738	395	1,153	227
Newburgh	4,250	7,208	2,231	2,640	195	2,149	71
Niagara Falls	5,776	9,715	15,404	3,534	550	1,302	343
North Tonawanda	1,669	5,015	0	1,473	188	411	50
Norwich	634	822	26	1,026	98	52	118
Ogdensburg	1,129	944	0	1,772	179	70	182
Olean	975	2,000	29	1,092	101	114	34
Oneida	1,253	2,545	61	1,436	112	78	9
Oneonta	1,160	1,645	635	451	178	54	57
Oswego	2,078	4,141	25	1,436	192	88	13
Peekskill	3,336	5,264	0	767	179	392	62
Plattsburgh	1,354	3,233	0	1,709	286	221	90
Port Jervis	1,432	3,241	109	543	73	187	13
Poughkeepsie	3,398	10,190	1,208	2,664	339	1,833	221
Rensselaer	642	1,884	0	687	38	151	93
Rochester	20,119	10,055	0	18,567	2,476	7,380	453
Rome	2,264	9,154	914	2,516	251	485	11
Rye	406	2,687	2	105	80	22	146
Salamanca	1,116	2,387	0	364	65	31	14
Saratoga Springs	2,132	4,974	612	3,020	266	163	178
Schenectady	4,863	7,844	412	4,153	605	2,421	155
Sherrill	108	762	0	459	43	7	14
Syracuse	20,014	40,330	0	14,189	962	5,986	239
Tonawanda	1,102	3,675	175	825	173	76	84
Troy	3,228	10,216	0	2,419	296	2,411	76
Utica	5,912	9,028	0	3,407	404	917	141
Watertown	2,474	3,688	0	1,743	172	479	108
Watervliet	953	2,864	5	574	55	416	8
White Plains	4,278	25,549	2,848	1,925	536	949	227
Yonkers	16,871	34,752	0	6,554	498	6,670	124
Nassau District	37,246	35,790	0	49,205	4,852	7,311	2,199
Suffolk District	70,178	50,789	13,815	55,893	5,893	10,683	3,045

\* Landlord-Tenant

**TOWN AND VILLAGE JUSTICE COURTS** handle misdemeanors and lesser offenses as well as civil lawsuits involving claims up to \$3,000 (including small claims cases not exceeding \$3,000). While the majority of cases handled by these courts are minor traffic offenses, drunk-driving cases and zoning violations, town and village Justice Court judges also conduct preliminary felony proceedings. There are approximately 1,277 Justice Courts and 2,200 town and village justices. Town and village justices are elected to four-year terms. Most are not attorneys; non-attorney justices must complete a certification course and participate in ongoing judicial education.

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## **ADMINISTRATIVE STRUCTURE**

The New York State Unified Court System is administered by the **OFFICE OF COURT ADMINISTRATION (OCA)** under the authority of the Chief Judge. OCA provides financial management, automation, public safety, personnel management and other essential services to support day-to-day court operations.

The Office of Court Administration comprises six divisions: the **DIVISION OF ADMINISTRATIVE SERVICES** purchases goods and services, procures contracts, processes revenues and manages accounts; the **DIVISION OF COURT OPERATIONS** provides support and guidance to trial court operations including alternative dispute resolution and court improvement programs, court interpreting services, legal information, parent education programs, records management and operational issues related to the American Disabilities Act; the **DIVISION OF FINANCIAL MANAGEMENT** prepares the judiciary budget and formulates and implements fiscal policies; the **DIVISION OF GRANTS AND PROGRAM DEVELOPMENT** assists court administrators in identifying grant opportunities relating to the operational needs of the courts, also coordinating the submission of grant proposals; the **DIVISION OF HUMAN RESOURCES** is responsible for personnel administration and the delivery of professional development programs for non-judicial employees, also overseeing negotiations with the court system's labor unions and managing the courts' workforce diversity program; the **DIVISION OF TECHNOLOGY** provides automation and telecommunications services to all courts and agencies, including oversight of the statewide Domestic Violence Registry and the courts' technical support center.

In addition, the **DEPARTMENT OF PUBLIC SAFETY** is responsible for developing and implementing uniform policies and procedures to ensure the safety and accessibility of our state courthouses; **COUNSEL'S OFFICE** prepares and analyzes legislation and represents the UCS in litigation; the **INSPECTOR GENERAL'S OFFICE** is responsible for the investigation and elimination of infractions of discipline standards, conflicts of interest and criminal activities on the part of non-judicial employees and individuals or corporations doing business with the courts; the **OFFICE OF COURT FACILITIES MANAGEMENT** provides oversight to localities in relation to the maintenance, renovation and construction of court facilities; the **OFFICE OF COURT RESEARCH** provides caseload activity statistics, jury system support and operations research to all UCS courts; the **OFFICE OF INTERNAL AFFAIRS** conducts internal audits and investigations to support the attainment of long-term UCS goals; the **OFFICE OF JUSTICE COURT SUPPORT** provides oversight to local town and village Justice Courts; the **COMMUNICATIONS OFFICE** serves as the courts' liaison to the media, responding to press inquiries, issuing news advisories and releases; the **OFFICE OF PUBLIC AFFAIRS** coordinates communications and public education programs with other governmental entities, the public and the bar.

## FISCAL OVERVIEW

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### **UNIFIED COURT SYSTEM 2008-2009 BUDGET**

**THE UNIFIED COURT SYSTEM BUDGET** is based upon a fiscal year that runs from April 1 through March 31. The budget is presented by the Chief Administrative Judge to the Court of Appeals for approval and certification by the Chief Judge. In accordance with Article VII, Section 1 of the State Constitution the budget is then transmitted to the Governor for submission to the Legislature.

Appropriations of \$2.52 billion were approved by the Legislature for the State Judiciary for the 2008-2009 fiscal year.

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### **REVENUES COLLECTED FOR THE YEAR 2008**

In 2008 the court system collected fines and fees totaling \$441.4 million. These monies include fees for services provided by the courts' Criminal History Search Unit, which since 2003 has sold statewide criminal history public records that include felony and misdemeanor convictions from all 62 New York counties. By law, the Office of Court Administration is solely responsible for the sale of such records produced by a search of its electronic database, charging a \$52 fee per name searched until April 23, 2008, at which time the fee was increased to \$55. The full distribution from each search request is allocated as follows: \$27 to the Indigent Legal Services Fund; \$16 to the Judiciary Data Processing Offset Fund; \$9 to the Legal Services Fund; and \$3 to the General Fund. For calendar year 2008 the Criminal History Search Unit received \$64,907,478 for criminal history record searches.

Under Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 NYCRR Part 118) every attorney admitted to practice in New York must file a biennial registration form. Attorneys actively practicing law in New York State or elsewhere must, upon registering, pay a \$350 fee, allocated as follows: \$60 to the Lawyers' Fund for Client Protection to support programs providing restitution to clients of dishonest attorneys; \$50 to the Indigent Legal Services Fund to cover fees of lawyers serving on 18-b panels representing indigent defendants; \$240 to the Attorney Licensing Fund to cover the cost of the Appellate Division attorney admission and disciplinary programs. In 2008 the court system collected \$41,792,100 in attorney registration fees.

### **LEGISLATIVE UPDATE**

**T**HE OFFICE OF THE COUNSEL is the principal representative of the Unified Court System in the legislative process, responsible for developing the Judiciary's legislative program and providing the Legislative and Executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. The office drafts legislative measures on behalf of the Unified Court System, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law, as well as measures on behalf of the Chief Judge. Additionally, the office staffs the Chief Administrator's advisory committees on civil practice; criminal law and procedure; family law; estates and trusts; and the local courts, which formulate legislative proposals in their respective areas.

During the 2008 legislative session and with the assistance of the advisory committees, counsel's office prepared and submitted 29 measures for legislative consideration. Fifteen of these measures were enacted into law. The office also furnished the Governor's counsel with analyses and recommendations on 52 measures awaiting executive action.

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### **MEASURES ENACTED INTO LAW IN 2008**

**CHAPTER 51** (Senate Bill 6801-B/Assembly Bill 9801-B). Enacts the 2008-2009 judiciary budget. Effective 4/1/08

**CHAPTER 57** [Parts DD, FF, II] (Senate Bill 6807-C/Assembly Bill 9807-C). Amends the Family Court Act to prohibit detention of alleged juvenile delinquents unless available alternatives would not be appropriate, requires that courts state the facts and reasons for ordering detention, and also identifies electronic monitoring as a condition of release under certain circumstances (Part DD); requires the state Office of Children and Family Services to contract with an outside researcher to study the effectiveness of juvenile services and to report to the Governor and the legislative leadership thereon (Part FF); prohibits the Office of Children and Family Services from transferring youth or employees from the Great Valley and Pyramid House facilities without their consent unless in conformity with special notice provisions in the state budget (Part II). Effective 4/1/08 except for Parts FF and II, effective on 4/23/08

**CHAPTER 94** (Senate Bill 3564/Assembly Bill 7371). Amends the CPLR to require that, in actions to enforce a money judgment, applications to assert a mistake in fact in Supreme Court be made by order to show cause or motion on notice to the creditor in the same action in which the order or judgment sought to be enforced was entered. Effective 5/27/08

**CHAPTER 95** (Senate Bill 7249/Assembly Bill 10362). Amends Chapter 367 of the Laws of 1999 to provide that all cases in Supreme Court in Erie County may be eligible for filing by electronic means. Effective 5/27/08

**CHAPTER 173** (Senate 5966-A/Assembly 8858-A). Amends the Surrogate's Court Procedure Act to provide that divorce revokes any revocable disposition or appointment of property to a former spouse, including a disposition or appointment by will, by beneficiary designation or by revocable trust. Effective 7/7/08

**CHAPTER 216** (Senate Bill 8303-A/Assembly Bill 11459). Amends the Judiciary Law to continue the authority of the Chief Administrative Judge to permit use of referees to hear and determine ex parte applications for orders of protection in Family Court. Effective 7/7/08

**CHAPTER 276** (Senate Bill 8311-A/Assembly Bill 11415). Implements collective bargaining agreements between the Judiciary and 12 public employee unions negotiating on behalf of court employees in the New York City administrative, librarian, clerical and support unit, the New York City administrative services unit, the New York City court clerks unit, the New York City court reporters unit, the New York City senior court attorneys unit, the citywide law assistants unit, the New York City court officers unit, the Supreme Court officers unit, the Ninth Judicial District unit, the Nassau County unit, the Suffolk County unit and the statewide judiciary unit, respectively. Effective 4/1/06

**CHAPTER 290** (Senate Bill 5938/Assembly Bill 8781). Amends Chapter 219 of the Laws of 2002 to extend by an additional three years authority for the use of Judicial Hearing Officers to hear and determine ex parte applications for orders of protection in the Seventh and Eighth Judicial Districts. Effective 7/21/08

**CHAPTER 300** (Senate Bill 2382-B/Assembly Bill 10869-A). Amends the Surrogate's Court procedure Act to increase the maximum value of a small estate from \$20,000 to \$30,000. Effective 1/1/2009

**CHAPTER 317** (Senate Bill 7548/Assembly Bill 10556). Amends the Criminal Procedure Law to include Herkimer County on the list of counties in which courts may authorize defendants to participate in specified criminal proceedings by video conference rather than by personal appearance. Effective 7/21/08

**CHAPTER 388** (Senate Bill 8610/Assembly Bill 11541). Amends the CPLR and the Insurance Law to permit a tort plaintiff to bring a declaratory judgment action directly against an insurance company to challenge the latter's denial of coverage based on a late notice of claim; and to bar certain liability insurers from denying coverage because of such late notice absent prejudice arising therefrom. Effective 1/17/09

**CHAPTER 401** (Senate Bill 8576/Assembly Bill 7197). Amends the Criminal Procedure Law to permit waiver of indictment and prosecution by a superior court information in Class A-1 felony controlled substance cases. Effective 11/1/2008

**CHAPTER 512** (Senate Bill 7152-A/Assembly Bill 10273-A). Amends the Real Property Tax Law to exempt from taxation real property leased to the Unified Court System for establishment of a court officer training academy. Effective 9/4/08

**CHAPTER 532** (Senate Bill 4541-A/Assembly Bill 8855-A). Amends the Family Court Act and the Domestic Relations Law to make follow-up amendments to 2006 legislation (L. 2006, c. 253) authorizing issuance of orders of protection to protect pets. Effective 12/3/08

**CHAPTER 587** (Senate Bill 7214/Assembly Bill 10502). Amends the Criminal Procedure Law to authorize a criminal court to automatically seal an accusatory instrument filed against an eligible youthful offender. Effective 1/1/09

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### ***RULES OF THE CHIEF JUDGE ADDED OR AMENDED DURING 2008***

**SECTION 36.2 (d)(2)** of the Rules of the Chief Judge was amended to apply certain limits on compensation to be retroactive as of January 1, 2007.

**PART 45** of the Rules of the Chief Judge was added, effective May 2, 2008, to establish an Integrated Youth Court in Westchester County.

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### ***RULES OF THE CHIEF ADMINISTRATIVE JUDGE ADDED OR AMENDED DURING 2008***

**SECTIONS 107.19, 107.20, 107.21 AND 107.22** of the Rules of the Chief Administrator were added, effective August 15, 2008, to establish salary schedules for non-judicial employees through April 1, 2010.

**PART 108** of the Rules of the Chief Administrator was amended, effective November 18, 2008, to repeal all former provisions of Part 108 that had remained in effect as to certain court reporters and to amend Section 108.4 relating to the written agreement for the production of transcripts of court proceedings.

**SECTION 127.1** of the Rules of the Chief Administrator was amended, effective November 18, 2009, to require certain procedures for the appointment of mental health professionals.

**SECTION 127.5** of the Rules of the Chief Administrator was added, effective April 1, 2008, to establish workload standards of the attorney for the child.

**SECTION 128.6-A** of the Rules of the Chief Administrator was amended, effective November 18, 2008, to expand the discretion to grant prior excusals to prospective jurors.

**SECTION 142.3** of the Rules of the Chief Administrator was amended, effective September 24, 2008, to repeal the authority of the Appellate Term to hear appeals from the Bronx Criminal Division.

**PART 145** of the Rules of the Chief Administrator was added, effective May 5, 2008, to establish an Integrated Youth Court in Westchester County.

**PART 146** of the Rules of the Chief Administrator was added, effective June 18, 2008, to establish guidelines for the qualifications of mediators and mental evaluators serving on court rosters.

**PART 150** of the Rules of the Chief Administrator was amended, effective January 29, 2008, to change certain requirements governing the Independent Judicial Election Qualification Commissions.

**SECTION 202.5-B OF THE UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS** was amended, effective May 16, 2008, to expand the pilot program in the Supreme Court for filing and serving documents by electronic means.

**SECTION 202.12-A OF THE UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS** was added, effective September 24, 2008, to provide for settlement conferences in certain residential mortgage foreclosure actions.

**SECTION 202.18 OF THE UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS** was amended, effective November 18, 2008, to require certain procedures for the appointment of mental health professionals in matrimonial actions.

**SECTIONS 205.48 AND 205.53 OF THE UNIFORM RULES FOR THE FAMILY COURT** were amended, effective September 24, 2008, to change certain requirements in adoption proceedings.

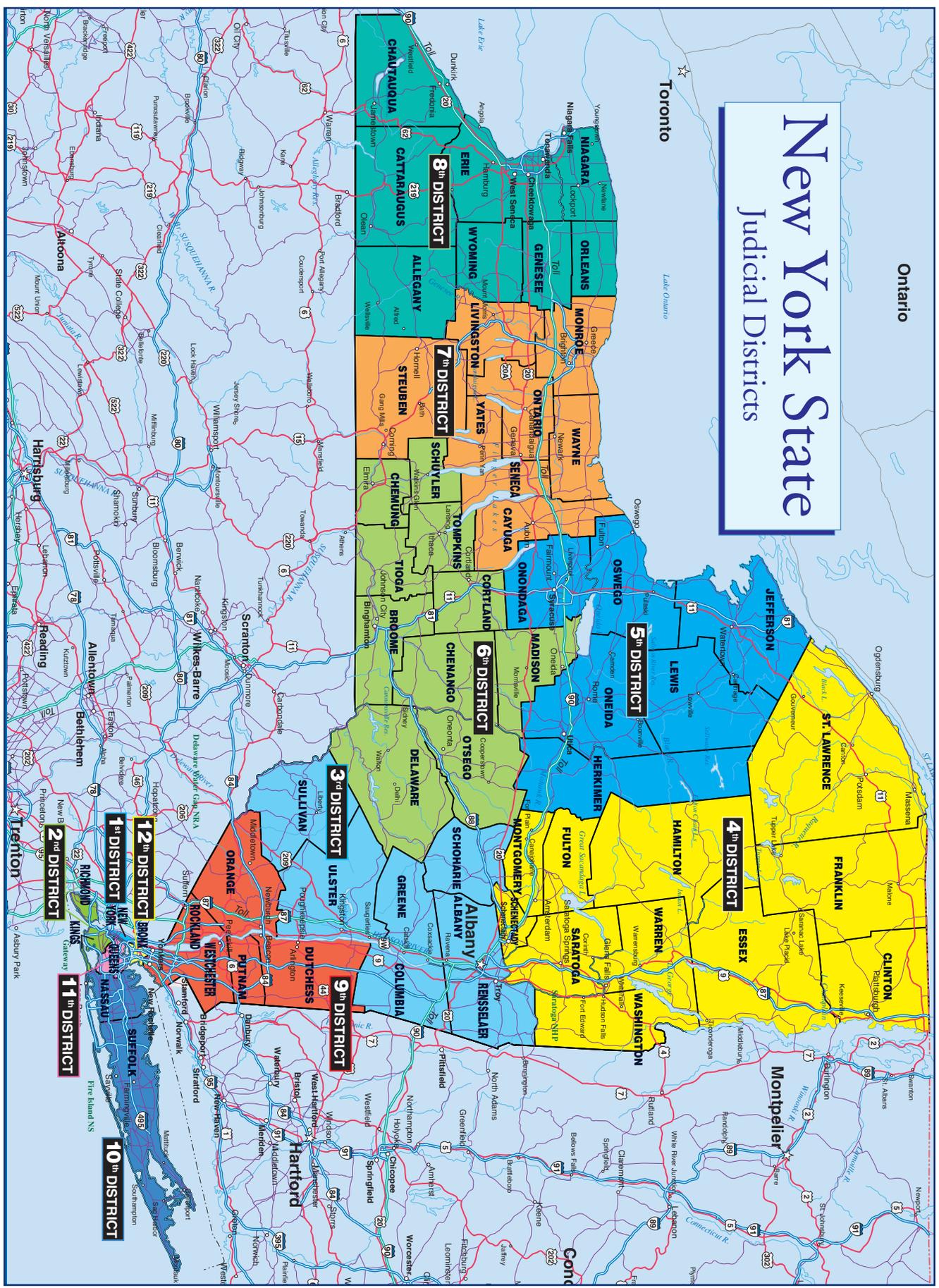
**SECTIONS 206.6 AND 206.9 OF THE UNIFORM RULES FOR THE COURT OF CLAIMS** were amended, effective April 2, 2008, to change certain requirements for hearing cases in the Court of Claims.

**SECTION 207.4-A OF THE UNIFORM RULES FOR THE SURROGATE'S COURT** was added, effective May 16, 2008, to create a pilot program in Surrogate's Courts for filing and serving documents by electronic means.

**SECTION 208.4-A OF THE UNIFORM RULES FOR THE NEW YORK CITY CIVIL COURT** was added, effective May 16, 2008, to create a pilot program in certain proceedings in the New York City Civil Court for the filing and serving of documents by electronic means.

**SECTION 208.6 (B) OF THE UNIFORM CIVIL RULES FOR THE NEW YORK CITY CIVIL COURT** was added, effective April 1, 2008, to provide for additional mailing of notice in consumer credit actions.

# New York State Judicial Districts







NEW YORK STATE

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Unified Court System